



April 12, 2020

Dear Dr. Nelson:

I'm writing to share the community concerns surrounding LCPS issuing Temporary Distance Learning Plans ("TDLP") that will unilaterally change Individualized Education Program ("IEP") goals, accommodations and service delivery without parent input. During this unprecedented time and as LCPS moves forward with new content learning in the 4th quarter, it is critical that LCPS ensure that students with disabilities have the same learning opportunities as their peers in a manner that addresses their unique learning needs according to the current IEP in place. If temporary modifications need to be made to the current IEP, a meeting should be called with the full IEP team, which includes the parents, to discuss any possible amendments due to the change in the environment where learning will now take place. Students with disabilities are particularly vulnerable right now. This is a time to be strengthening and reconfiguring the way in which supports, and services are delivered, not a time to strip away the accommodations and special education services that our students need to survive educationally.

While I understand that as members of the IEP team, parents may call a meeting at any time, it is not appropriate or reasonable to expect parents to initiate a meeting related to IEP changes that are being proposed and driven by LCPS. As you know, per LCPS policy 5310, changes to the IEP should not occur outside an IEP meeting. Further USDOE, VDOE and OCR guidance documentsⁱ clearly outline that once general education instructional services by alternative means (e-learning, distance learning) begin, the school division remains responsible for the provision of a Free Appropriate Public Education ("FAPE") of its students eligible for special education services with an IEP. Thus, if an IEP or 504 plan needs to be further individualized to allow a student to access distance online learning while our school buildings are closed, then the IEP team (which includes the parents) must meet to fully consider the accommodations, specialized instruction, and related services they will require.

To be clear, we disagree that the building closures categorically prevent LCPS from implementing current IEPs for every student. Abandoning IEP-related services and accommodations without giving proper consideration for different ways of adapting teaching, learning and support strategies for our students with disabilities for an online learning environment is going to harm our students in the short and long term. There is a flawed assumption that the building closures make the special education program in LCPS "functionally unavailable," yet many school districts across the nation are finding ways to provide these critical services. I have confidence in parents and the IEP team's ability to work together to develop creative solutions for individualizing a student's IEP to meet their unique, current circumstances.

There is full support and understanding of the continuing need for staff training, but other systemic training needs should also be addressed, such as communication with and training for parents to allow them to properly support their child in their new learning environment. This can certainly be included in the IEP as a related service. A more collaborative, proactive approach will forge strong bonds with families, expand their skills when working with their child at home or in the community, and have long-lasting positive effects that will be seen when our students return to their school buildings to receive their education.

From our youngest special education students to our oldest, structure, routines and relationships are critical. Our students need to maintain strong connections with their teachers for all aspects of learning with a continued focus on the whole child. This is especially important when so much has changed in their daily lives. Based on our conversation, there is significant concern that there is no plan for any direct instruction with our special education students and that all instruction must take place in a group. This blanket position predetermines that students will not need this level of specialized instruction. If the student needed the agreed upon goals, services and accommodations while in the school building, they will continue to require them in a virtual environment. Moreover, there are numerous large-scale examples of people and professions who are effectively delivering a wide range of services and supports in an online telehealth environment. We believe there is no reason why this cannot happen in the educational environment, too, with the tools already available to all LCPS students via their Chromebook, Google classroom and other platforms. This is particularly important for students with mental and physical health conditions that have affected school attendance before campuses closed.

Additional concerns that are top of mind for our community relate to equity in grading for our students with disabilities:

- **Concerns with Disability Bias and Lack of Flexibility:** We have heard from students with disabilities and parents of students with disabilities on how students taking general education and advance classes struggle with executive functioning deficits and need accommodations that teachers are often resistant to providing even in the best of circumstances. These students will need direct teacher support to make step-by-step plans to identify, plan and prioritize assignments for a reasonable completion date to improve their grades.
- **Special Education Students with Attendance Gaps:** Students with physical and mental health conditions that caused absences during the school year specifically in 2nd and 3rd quarter will need direct teacher support to identify what assignments are essential, identify the needed instruction, and to identify a plan to complete them in light of their current physical and mental health needs to improve their grades and show growth in completing the school year.

We urge you to take a step back and consider the long-term ramifications of the special education department's decision to essentially cease implementation of all IEPs without due-

diligence in evaluating the needs of individual students and the impact this will have on their immediate and long term academic performance. In fact, we encourage you to think preventatively and be forward focused to help ensure that our students do not suffer or regress.

Specifically, we ask for the following actions to be taken to minimize regression and provide specially designed instruction to those students whose IEP's provide:

1. Direct, one-on-one instruction as described in the current IEP based on their individual needs via video conferencing.
2. A minimum threshold of service delivery each day or week that is realistic and will translate into meaningful actions that can be taken to maintain, reinforce and advance learning. SEAC believes that 15 minutes of consultation time is insufficient for truly meaningful discussion, planning, and solution-finding.
3. Online parent training on how to support children with special needs in a home-based, 100% technology-supported learning environment. Parents are not teachers, and especially are not special education teachers, and it is unrealistic to expect them to intuitively know techniques, strategies and/or assistive technology tools that licensed teachers were trained to implement.
4. Proactive, strategic and meaningful interaction with the special education teacher within an individualized framework. These teachers are in the best position to make specific recommendations and provide guidance in regularly scheduled interactions with parents and students about how to approach, prioritize, and complete their work. The teachers understand each child's learning needs in the school environment. Their expertise should be utilized by communicating specific strategies for learning at home and online.

SEAC desires to work with LCPS to find the right solutions for supporting our special education students during this unusual time. Our families are alarmed, concerned, anxious and afraid about how the reduction of IEP supports and services will negatively impact their special education student. We believe that if there is a good faith effort made on a case by case, individualized basis to properly tend to the needs and give our students access to the same learning, our partnership and community will be stronger. None of us expect perfection, especially in times like these. However, we do expect the needs of our most vulnerable students to be given the proper consideration, respect and meaningful support possible, rather than a universal declaration that the IEP and special education program is functionally unavailable.

Please let us know how we can work together to reverse the current trajectory.

Respectfully and on behalf of the Special Education Advisory Committee,

Sharon Tropf
SEAC Chair

Attachment

CC: Dr. Eric S. Williams, Superintendent
Dr. Asia R. Jones, Assistant Superintendent, Department of Pupil Services
LCPS School Board

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- [U. S. Department of Education, Office of Civil Rights Coronavirus Statement \(March 4, 2020\)](#)
- [U. S. Department of Education Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak \(March 12, 2020\)](#)
- [U. S. Department of Education, Office of Civil Rights Short Webinar on Online Education and Website Accessibility \(March 16, 2020\)](#)
- [U. S. Department of Education, Fact Sheet on Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students \(March, 16, 2020\)](#)
- http://www.doe.virginia.gov/support/health_medical/office/covid-19-sess-faq.shtml